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C O N F I D E N T I A L SECTION 01 OF 02 KUALA LUMPUR 000152

SIPDIS

FOR EAP/MTS, EAP/RSP AND G/TIP

E.O. 12958: DECL: 03/03/2019
TAGS: [PHUM](#) [ELAB](#) [SOCI](#) [KTIP](#) [BG](#) [MY](#)
SUBJECT: MALAYSIAN RESPONSE TO BANGLADESHI LABOR
TRAFFICKING CASE

REF: KUALA LUMPUR 102 - TIP REPORT

Classified By: Political Counselor Mark Clark for reasons 1.4 (b and d)
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Summary and Comment

11. (C) Malaysian media highlighted the plight of an estimated 140 Bangladeshi workers, who may be victims of trafficking in persons (TIP) for labor exploitation. Post raised concerns with the police and the Human Resources Ministry, but as of February 27 all suspected victims remained under the control of the recruitment agency. Post also alerted NGO Tenaganita and to the situation, and NGOs have provided some assistance. The Human Resources Ministry is investigating the matter as a labor dispute rather than as a TIP case. A senior aide in the Human Resources Minister told us the GOM, as in this case, was not yet prepared to address the country's broader labor trafficking issues.

12. (SBU) Comment: The GOM has focused its anti-trafficking efforts on sexual commercial exploitation during the initial year of the new TIP law's implementation. With minor exception, it has not yet tackled labor trafficking under the TIP law. The GOM's current preferred method of dealing with labor trafficking is by treating it as a labor dispute. In our contact with Malaysian officials, Post continues to highlight the need for the GOM to take appropriate law enforcement action in this case and to address labor trafficking under the TIP law. End Summary and Comment.

Article Exposes Labor Exploitation

13. (SBU) The Malaysian government used its labor law, rather than its anti-TIP law, in reaction to a probably case of labor trafficking involving 80-140 Bangladeshi workers. A local daily newspaper, Malay Mail, first published an article on February 13 exposing the conditions of the group of Bangladeshi workers, who were locked in a two-room, 1,000 square foot shophouse. Some of the men were allegedly held in the shophouse for two months or more. According to report, Gateway Saujana Corporation, an outsourcing company, collected from some of the workers 12,000 ringgit (about 3,335 USD) for the chance to work in Malaysia. The recruiting company confiscated the workers' passports, held them in locked and overcrowded quarters, and did not pay at least 74 of the workers since their arrival in Malaysia. The recruiting company allegedly uses the shophouse and other unknown locations as human warehouses, deploying workers to fill menial jobs as needed. Deputy Minister in the Prime Minister's Department T. Murugiah with representatives from the Public Complaints Bureau visited the shophouse after the paper notified the Bureau of the situation.

NGO Provides Medical Assistance

14. (SBU) A small medical team visited the Bangladeshi workers on February 18. Lotus Planet, a local NGO that provides food for the homeless, coordinated the visit. The team found that some members of the Bangladeshi workers suffered from skin rashes and other communicable diseases from the close quarters and poor sanitary conditions. The recruiting company transferred some workers to other unknown locations shortly after the articles release. A journalist accompanying the doctors said the remaining workers were "cautious and refused to say anything." Post asked representatives from Tenaganita, the leading NGO in Malaysia combating TIP, to look into the case. After visiting the Bangladeshi workers, Tenaganita representatives told Poloff that about 80 workers remain in the shophouse. The recruiting company moved the other workers to unknown locations. Tenaganita reported a locked door, similar to that of a jail cell, keeps the remaining group in the house. NGO representatives passed food, water, and medicines through the door's bars to the Bangladeshi workers. Poloffs remain in regular contact with Tenaganita regarding the case.

A Labor Dispute, Not TIP

15. (C) Poloff contacted Superintendent of Police Mohamed Nadzri, deputy of the Criminal Investigations Division, on February 13 regarding the Bangladeshi workers. Poloff highlighted the elements of the case indicating labor trafficking and noted Post's interest in the case's outcome. Nadzri was unaware of the situation, but said he would review

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the information. To date, we have not learned of any police investigation into the matter. Malaysian officials have not intervened to rescue the workers and they all remain under the control of the recruiting agency as of February 27. On February 17, Poloff met with P. Munusamy (protect), a senior aide to the Minister of Human Resources, to relay our concerns that the case involved labor trafficking. Munusamy told Poloff the Ministry could not pursue the matter as a trafficking case as TIP was under the jurisdiction of the Home Ministry. He said the Human Resources Minister was very concerned with the "plight and condition" of the workers and raised the matter with the Home Ministry. Munusamy said he would relay Post's concerns over the matter to the Human Resources Minister. In a follow-up meeting on February 25, Munusamy confided with Poloff that the Ministry did not want to admit publicly that the case involved trafficking because of the large number of victims, and the government was not yet prepared to address the broader labor trafficking issues.

16. (U) Malaysian media reported that Ismail Abdul Rahim, Director General of the Human Resources Ministry's Labor Department referred the case to Malaysia's Labor Court to pursue compensation for the wages due the workers. Ismail said the company violated three sections of the Employment Act of 1955. He said the company failed to notify the Labor Department it used foreign workers for outsourcing, a violation under Section 63A. Ismail also stated Gateway Saujana Corporation violated Section 60K for failing to notify the department it employed foreign labor. The company also failed to get Labor Department approval payroll deductions on levies from 78 Bangladeshi workers, violating Section 24. The maximum penalty for the labor violations is 10,000 ringgit (approximately 2,780 USD) for each offense.

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